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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,871	12/22/2000	Peter E. Davis	POU920000178US1	3705
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FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			HUYNH, THU V	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,871

Applicant(s)

DAVIS ET AL.

Examiner

Thu V Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/09/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: IDS filed on 02/09/2001; amendment filed on 05/05/2004 to application filed on 12/22/2000.
2. Claims 17-18 are canceled.
3. Claims 1-16 and 19-26 are pending in the case. Claims 1, 9 and 19 are independent claims.

Information Disclosure Statement

The information disclosure statement filed 04/01/1999 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. The reference of “<http://www.w3c.org>” is not considered because of no author, title, or date is provide. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Objections

4. Claims 8, 11 and 16 are objected to because of the following informalities:

Regrading dependent claim 8, which is dependent on claim 1, “partitioning at least some fragment of the plurality of fragments into a plurality of group” has typographical error. Appropriate correction is required.

Regrading dependent claim 11, which is dependent on claim 10, “wherein the step of invoking an XSL transformation engine includes invoking an XSL transformation engine” has typographical error. Appropriate correction is required.

Regrading dependent claim 16, which is dependent on claim 15, “saving any attachments to the document selected from the group of attachments selected from the group of attachments consisting of text files; video files, still images, stylesheets and multimedia data” has typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1-7, 9-16 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutay et al., US 2002/0026461 A1, priority filed 06/2000 in view of Brooke, US 2004/0210556 A1, priority filed 09/1999.**

Regarding independent claim 1, Kutay teaches the steps of:

- defining an XML document based upon one or more reusable content objects, whereby at least one of the content objects includes at least one relationship with another content object and the relationship has been identified with at least one graph (Kutay, page 1, paragraph 6; page 3, paragraphs 51, 53-54; page 10, paragraph 173 – page 11, paragraph 185; defining an XML document with elements includes relationship with other elements. The relationship has been identified in a hierarchical structure);
- building the XML document so as to form to an aggregate XML document which represents a self-contained accumulation of the one or more content objects in accordance with the at least one relationship (Kutay, page 1, paragraph 6; page 3, paragraphs 51, 53-54; page 10, paragraph 173 – page 11, paragraph 185; creating the XML document based on the defining); and
- transforming the XML document to produce one or more viewable output pages (Kutay, page 11, paragraph 186-187; transforming the XML document into HTML document).

However Kutay does not explicitly disclose the step of invoking an XSL transformation engine to produce one or more viewable output pages.

Brooke teaches generating an XML documents; creating XSL style sheets to transform the XML documents to the target format; invoking an XSL transformation engine to produce one or more viewable output pages (Brooke, page 4, paragraphs 37-38, 42; page 5, paragraph 51-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Brooke's teaching into Kutay to transform the XML

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documents into different formats, since the combination would have provide different ways to convert the XML documents to target formats required by a device or application software, such as HTML, Word, WML as Brooke disclose in page 5, paragraph 52.

Regarding dependent claim 2, which is dependent on claim 1. Refer to the rationale relied to reject claim 1, the limitation “wherein the step of invoking an XSL transformation engine includes invoking an XSL transformation engine to produce viewable output pages in HTML” is addressed. The rationale is incorporated herein.

Regarding dependent claim 3, which is dependent on claim 1, Kutay teaches wherein the step of defining an XML document based upon one or more reusable content objects includes defining an XML document based upon one or more content objects comprising at least one of fragment or servable (Kutay, page 10, paragraph 173 – page 11, paragraph 185).

Regarding dependent claim 4, which is dependent on claim 3, Kutay teaches wherein the step of defining an XML document based upon one or more content objects comprising at least one of fragment which is self-contained fragment (Kutay, page 10, paragraph 173 – page 11, paragraph 185).

Regarding dependent claim 5, which is dependent on claim 3, Kutay teaches wherein the step of defining an XML document based upon one or more content objects comprising at

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least one of fragment which is a compound fragment (Kutay, page 10, paragraph 173 – page 11, paragraph 185).

Regarding dependent claim 6, which is dependent on claim 3, Kutay teaches publishing the one or more viewable output pages (Kutay, page 1, paragraph 6).

Regarding dependent claim 7, which is dependent on claim 6, Kutay teaches wherein the step of publishing includes publishing the one or more viewable output pages as Web pages or publishing the one or more viewable output pages to other media or devices (Kutay, page 5, paragraph 76).

Regarding dependent claim 10, which is dependent on claim 9, Inoue, Broder, Cormen, and Unger teach the limitations of claim 9 as explained above. Inoue, Cormen, and Unger do not explicitly teach the step for at least two of the plurality of groups, publishing all objects belonging to a first group before publishing any objects belonging to a second group.

However, the limitation of this claim on how the different groups are published is common sense and consistent with Inoue and Border's insistency on keeping these objects in consistent states, and with Unger's use of partitions for these related objects. If objects belong to different groups are published without order, a client will run more often into broken links in attempting to access pages that belong to different groups.

Regarding independent claim 9, Kutay teaches the steps of:

- identifying one or more content objects comprising servable and fragments for constructing a web page based on input received from one or more of the following:
(i) information analysis and modeling, (ii) target audience analysis, (iii) target device analysis, (iv) workflow and role analysis (Kytay, page 1, paragraph 6; page 3, paragraph 51; page 9, paragraph 141);
- creating one or more document templates that define the structure of the servable and of the fragments (Kutay, page 3, paragraphs 53-54; page 4, paragraph 63; page 10, paragraph 174; templates used to create or define structure of a document; previously created XML project is reused);
- saving the document as XML and save meta information describing each of the servable and the fragments (Kutay, page 1, paragraph 6; page 3, paragraphs 53-54; page 4, paragraph 63; page 6, paragraph 99; page 10, paragraphs 173 – page 11, paragraph 185; stored templates used to create or define structure of a document; a stored existing XML project with metadata objects is used by different users);
- updating an object dependency graph based upon one or more reusable content objects, whereby at least one of the content objects includes at least one relationship with another content object and the relationship has been identified with at least one graph (Kutay, page 1, paragraph 6; page 3, paragraphs 53-54; page 10, paragraph 173 – page 11, paragraph 185; modifying the XML project with elements includes relationship with other elements. The relationship has been identified in a hierarchical structure);

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- building an XML document so as to from to an aggregate XML document which represents a self-contained accumulation of the one or more content objects in accordance with the at least one relationship (Kutay, page 1, paragraph 6; page 3, paragraphs 53-54; page 10, paragraph 173 – page 11, paragraph 185; creating the XML project based on the defining); and
- transforming the XML document to produce one or more viewable output pages (Kutay, page 11, paragraph 186-187; transforming the XML document into HTML document).

Kutay does not explicitly disclose the step of creating one or more stylesheets that determine the presentation and layout of the information in each servable for each target audience and each target device.

Brooke teaches generating an XML documents; creating XSL style sheets to transform the XML documents to the target format; invoking an XSL transformation engine to produce one or more viewable output pages for each target audience and each target device (Brooke, page 4, paragraphs 37-38, 42; page 5, paragraph 51-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Brooke's teaching into Kutay to transform the XML documents into different formats, since the combination would have provide different ways to convert the XML documents to target formats required by a device or application software, such as HTML, Word, WML as Brooke disclose in page 5, paragraph 52.

Regarding dependent claim 10, which is dependent on claim 9. Refer to the rationale relied to reject claim 9, the limitation “wherein the step of invoking an XSL transformation engine includes invoking an XSL transformation engine to produce viewable output pages in HTML” is addressed. The rationale is incorporated herein.

Regarding dependent claim 11, which is dependent on claim 10. Refer to the rationale relied to reject claim 10, the limitation “wherein the step of invoking an XSL transformation engine includes invoking an XSL transformation engine” is addressed. The rationale is incorporated herein.

Regarding dependent claim 12, which is dependent on claim 9, wherein the step of creating one or more document templates that define the structure of the servables and of the fragments includes the sub-steps of:

- receiving a search request from a user for searching metadata information that describes preexisting servables and fragments that can be used in creating the document (Kutay, page 10, paragraph 163); and
- receiving a selection from a user to include preexisting servable and fragments in the document based on the metadata searched (Kutay, page 10, paragraph 163).

Regarding dependent claim 13, which is dependent on claim 12, Kutay further teaches the sub-steps of:

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- receiving a user request to create a new document template (Kutay, page 6, paragraphs 98-99; user selects “New Project” button to create new project, wherein the project can be reused later); and
- creating a blank form for holding one or more content objects (Kutay, page 6, paragraphs 98-99; creating new project).

Regarding dependent claim 14, which is dependent on claim 12, Kutay further teaches the sub-steps of:

- receiving a user request for edit a preexisting document template (Kutay, page 6, paragraphs 98-99; fig.8A; page 10, paragraph 174; user selects “Open Project” button to request editing an existing project, wherein the project can be reused later); and
- retrieving a preexisting document according to the user request received (Kutay, page 6, paragraphs 98-99; fig.8A; page 10, paragraph 174; retrieving the requested project).

Regarding dependent claim 15, which is dependent on claim 9, Kutay teaches the step of saving the document as an XML file and save meta information describing each of the servables and the fragments includes saving any attachments to the document (Kutay, page 1, paragraph 6; page 3, paragraphs 53-54; page 4, paragraph 63; page 6, paragraph 99; page 10, paragraphs 173 – page 11, paragraph 185; stored templates used to create or define structure of a document; a stored existing XML project with metadata objects and attachments, such as “text” “image_URL” is used by different users).

Regarding dependent claim 16, which is dependent on claim 15, Kutay teaches wherein the step of saving the document includes saving any attachments to the document selected from the group consisting of text files; video files, still images, stylesheets and multimedia data (Kutay, page 1, paragraph 6; page 3, paragraphs 53-54; page 4, paragraph 63; page 6, paragraph 99; page 10, paragraphs 173 – page 11, paragraph 185; stored templates used to create or define structure of a document; a stored existing XML project with metadata objects and attachments, such as “text” “image_URL” is used by different users).

Claims 19-25 are for a computer readable medium presenting the method of claims 1-7, respectively, and are similarly rejected under the same rationale.

7. **Claims 8 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutay in view of Brooke as applied to claim 8 above and further in view of Nakanishi et al., US 2002/0010711 A1, filed 09/1998.**

Regarding dependent claim 8, which is dependent on claim 1, Kutay does not explicitly disclose wherein the step of defining an XML document based on one or more reusable content objects comprising one or more fragments including compound objects and further comprising includes the sub-steps of partitioning at least some fragment of the plurality of fragments into a plurality of group such that if two compound fragments are constructed from at least one common changed fragment, then the compound fragments are placed in a same group; and publishing all fragments belonging to a same group together.

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Nakanishi teaches that when a user edits a node in a hierarchy tree, related nodes are group together to control editing sequence of the documents to be edited (Nakanishi, page 1, paragraph 21; page 7, paragraph 135).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Nakanishi's partition into Kutay's XML hierarchical tree to update related nodes or fragments that are constructed from one common edited fragment, since the combination would have allowed the user to the access to nodes or fragments consistently and efficient when edit or update the XML document.

Claim 26 is for a computer readable medium presenting the method of claim 8, and is similarly rejected under the same rationale.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ballantyne et al., US 2001/0044811 A1, priority filed 03/2000, teaches method for reporting XML data based on precomputed context and a document object model.

Alexander, US 6,732,331 B1, filed 02/2000, teaches system for managing content organized in a tag delimited template using metadata.

Jakubowski, US 2002/0143821 A1, filed 12/15/2000, teaches site mining stylesheets generator.

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Grant, US 2002/0099738 A1, priority filed 11/2000, teaches automated web access for back-end enterprise systems.

Dodrill et al., US 6,578,000 B1, filed 04/2000, teaches browser based arrangement for developing voice enabled web applications using extensible markup language documents.

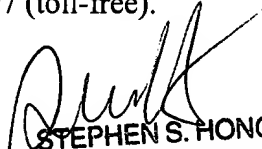
Hsing et al., US 2002/0023113 A1, priority filed 08/2000, teaches remote document updating system using XML and DOM.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is (571) 273-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S Hong can be reached on (571) 273-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH
December 9, 2004


STEPHEN S. HONG
PRIMARY EXAMINER